

Report Date: March 30, 2022

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Mar 30, 2022

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Larry Nicholas Kennedy

Case Number: 0980 2:18CR00218-SMJ-1

Address of Offender:

Liberty Lake, Washington 99019

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Name of Supervisory Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge

Date of Original Sentence: June 14, 2021

Original Offense: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. §§ 922(g)(1) and 924(a)(2);
Possession of an Unregistered Firearm, 26 U.S.C. §§ 5845 and 5871Original Sentence: Prison - 429 days; Type of Supervision: Supervised Release
TSR - 36 days

Asst. U.S. Attorney: Earl A. Hicks

Date Supervision Commenced: June 14, 2021

Defense Attorney: Kathryn Patricia Lucido

Date Supervision Expires: June 13, 2024

PETITIONING THE COURT

To issue a summons.

On June 21, 2021, this officer reviewed the judgment and sentence with Mr. Kennedy. He stated he understood the conditions of his supervised release, which included special condition number 4, and standard condition 4.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><u>Special Condition #4:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.</p> <p><u>Supporting Evidence:</u> Mr. Kennedy is considered to be in violation of his supervised release by failing to submit to drug testing on March 9, 2022.</p> <p>On March 9, 2022, Mr. Kennedy was required to report to Pioneer Human Services (PHS) for a random drug screen. Mr. Kennedy failed to report, citing that he failed to call to see if he needed to report or not.</p>
2	<p><u>Special Condition #4:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but</p>

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no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by failing to submit to drug testing on March 10, 2022.

In response to Mr. Kennedy missing his random drug screen on March 9, 2022, this officer directed him to make up his drug test on March 10, 2022. Mr. Kennedy failed to submit to testing as directed, citing that he did not arrive to PHS in time.

- 3 **Standard Condition #4:** You must be truthful when responding to the questions asked by your probation officer.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by failing to answer this officer's questions honestly on March 11, 2022.

On March 11, 2022, in response to Mr. Kennedy's failures to submit to drug testing, this officer asked him directly whether or not he relapsed. Mr. Kennedy denied any drug use. This officer again directed Mr. Kennedy to submit a drug screen on March 11, 2022, which ultimately tested positive (reference violation #4).

- 4 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by using a controlled substance, methamphetamine, on or about March 9, 2022.

Mr. Kennedy submitted to a drug screen on March 11, 2022. The test was presumptive positive for methamphetamine. This officer called Mr. Kennedy as a result of the presumptive results, and he admitted to using methamphetamine 2 days prior, approximately March 9, 2022. This urine sample was also sent to the national laboratory, which confirmed the sample was positive for amphetamine and methamphetamine.

- 5 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by using controlled substances, methamphetamine and amphetamine, on or about March 14, 2022.

Mr. Kennedy was directed by this officer to submit to a drug test on March 14, 2022. The test was presumptive positive for methamphetamine. As Mr. Kennedy denied any use of methamphetamine and denied using after March 10, 2022 (according to his signed denial form), the sample was sent to the national laboratory, which confirmed the sample was positive for amphetamine and methamphetamine.

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- 6 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by using controlled substances, methamphetamine and amphetamine, on or about March 15, 2022.

Mr. Kennedy was directed to submit a random drug test on March 15, 2022. The test was presumptive positive for methamphetamine. As Mr. Kennedy denied any use of methamphetamine and denied using after March 10, 2022 (according to his signed denial form), the sample was sent to the National Lab, which confirmed the sample was positive for amphetamine and methamphetamine.

- 7 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by using a controlled substance, methamphetamine, on or about March 21, 2022.

Mr. Kennedy reported to the office as directed on March 21, 2022. At the direction of this officer, Mr. Kennedy submitted to a drug screen. During the drug screen process, Mr. Kennedy admitted to the duty officer that he had last used methamphetamine on March 21, 2022. The sample tested presumptive positive for methamphetamine.

- 8 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by failing to submit to drug testing on March 23, 2022.

During a home visit on March 23, 2022, Mr. Kennedy advised he was scheduled for a random drug screen. Mr. Kennedy was directed to come to the office to provide the urine sample, instead of the vendor. He agreed to do so. Mr. Kennedy ultimately failed to report to the office or the vendor for a drug screen.

- 9 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kennedy is considered to be in violation of his supervised release by using a controlled substance, methamphetamine, on or about March 25, 2022.

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During an office visit on March 28, 2022, Mr. Kennedy admitted to this officer that he used methamphetamine on March 25, 2022.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

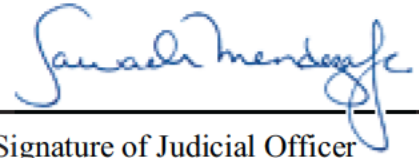
Executed on: March 30, 2022

s/Emely Cubias

Emely Cubias
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

03/30/2022

Date